

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

William Van Vliet,
Plaintiff,

v.

Atlas Communications, LTC, et al.,
Defendants.

CIVIL ACTION
No: 05-3000

ORDER

This 9th day of November, 2006, **IT IS ORDERED:**

The Motion to Reopen the Settlement (docket entry #57) is DENIED as moot in light of the attached October 31, 2006 letter to this Court from plaintiff William Van Vliet.


ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to:

William H. Van Vliet III
13615 S. Dixie Hwy, #333
Snapper Creek FL 33176
Tel (360) 968-1802
Email bill@ibowa.com

October 31, 2006

By Fax
215/580-2356

Honorable Anita B. Brody
United States District Court for
the Eastern District of Pennsylvania
Courtroom 7613
601 Market St.
Philadelphia PA 19106

Re: Van Vliet v. Atlas Communications, Ltd.
Civil Action No. 05-3000

Dear Judge Brody:

As the Court knows, I am the plaintiff in this lawsuit. I am writing to follow up on the hearing that the Court held on September 18th, 2006, that I attended by telephone from Kuala Lumpur, Malaysia, regarding the settlement and dismissal of this lawsuit that the Court ordered on May 5th, 2006.

When I originally wrote my August 14th, 2006, letter to the Court questioning the scope of that settlement, I did not have the transcript of the Court's May 5th hearing, which I did not attend. I later received and read the transcript of the Court's May 5th hearing. At that hearing, the Court confirmed with the parties' attorneys that the parties agreed to settle this action by all parties on each side releasing all the parties on the other side, including their attorneys. Neither side's attorney stated that any party reserved any claims against anyone, including my attorney, David Banks of Banks & Banks. Since Mr. Banks and his firm were my attorneys, and since all parties released each side's attorneys, Mr. Banks and his firm were released. The Court confirmed with the parties attorneys during that hearing that the Court was dismissing this action pursuant that settlement and the Court would be the final arbitrator of any questions about the terms and conditions of the settlement. The attorneys for both sides agreed to the Court's statements. That is the settlement that I authorized.

I have also since received a copy of the transcript of the September 18th hearing. At the September 18th hearing, the Court repeatedly stated that the Court considers this lawsuit to have been settled. As Mr. Bochetto explained at that hearing, a settlement of this lawsuit precludes Mr. Bochetto from suing Mr. Banks.

Based on the Court's statements at both of those hearings, I do not believe that there is any reason for the Court to hold a further hearing on the settlement because the settlement that the

attorneys stated and the Court ordered is the settlement that I authorized. I, therefore, withdraw my request in my August 14th letter to the Court without prejudice, so the Court can cancel the hearing that the Court has set for November 15th, 2006. Unless I hear from the Court otherwise, I will assume that the Court will cancel the further hearing on this issue that the Court set for November 15th, 2006. I ask, however, that the Court consider entering an order confirming the Court's dismissal of this lawsuit pursuant to the settlement, consistent with the Court's statements at both hearings. I enclose a proposed order so stating for the Court.

As before, I will be happy to provide the Court with any further information the Court requires. The Court may reach me at the telephone number or the email address above. I have been in Malaysia for some time obtaining medical treatment for my son at a special program for children with brain disabilities, so I ask the Court to telephone or email any communications to me because it takes a long time for my regular mail to reach me. My telephone number and email address are above. I appreciate the Court's attention to this matter.

Sincerely,



William H. Van Vliet III

cc: George Bochetto (by fax (215) 735-2455)
Jack Meyerson (by fax (215) 972-0277)
David Banks (by fax (610)940-0843)
Franklin R. Fraley, Jr. (by fax (213) 996-8367)